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U S DISTRICT COURT E D N Y

★ APR 10 2014 ★

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

THOMAS E. PEREZ¹, Secretary of Labor :
United States Department of Labor, :
 :
Plaintiff, :
 :
v. :
WSTB CORP., :
a Corporation :
d.b.a KASHI SUSHI LOUNGE; and :
XIANG LIN aka SKY LIN, Individually :
and as President :
 :
Defendants :

Civil Action
No. 12-CV-3170
CONTEMPT
CONSENT
JUDGMENT
(SJF,ETB)

WHEREAS, this court entered a Consent Judgment in a matter captioned Hilda L. Solis v. defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, on June 29, 2012, which permanently enjoined and restrained defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, their officers, servants, employees and those persons in active concert or participation with them, from violating the provisions of sections 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act, 29 U.S.C. section 201 et seq., (hereinafter "the Act"); and

WHEREAS, plaintiff filed a Petition for Adjudication of Civil Contempt alleging that defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, had continued to violate the provisions of sections 7, 11(c), 15(a)(2) and 15(a)(5) of the Act and to have the Court find defendants WSTB CORP. d.b.a KASHI

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Thomas E. Perez is substituted for Hilda L. Solis as Plaintiff.

SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, in civil contempt for their failure to comply with the terms of the permanent injunction in the consent judgment signed by the Court on June 29, 2012; and

WHEREAS, defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, have continued to violate the provisions of sections 7, 11(c), 15(a)(2) and 15(a)(5) of the Act; and

WHEREAS, petitioner has demanded that the Court issue an Order adjudicating defendants in civil contempt of the Court's June 29, 2012 consent judgment; and

WHEREAS, petitioner Secretary of Labor and WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, through their undersigned Counsel have agreed to resolve the pending petition with respect to defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, it is therefore:

I. ORDERED, ADJUDGED AND DECREED that defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, be held in civil contempt of this Court's June 29, 2012 consent judgment by reason of their failure to comply with the Court's restraining order permanently enjoining defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, from violating the provisions of sections 7, 11(c), 15(a) (2) and 15(a)(5) of the Act, as provided for in the consent judgment; and it is further

II. ORDERED, ADJUDGED AND DECREED that defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, shall

purge themselves of said contempt by:

(1) Immediately complying with the provisions of sections 7, 11(c), 15(a)(2), and 15(a)(5) of the Act; and

(2) Paying to plaintiff the sum of **\$50,920.93 (\$46,886.72 in overtime compensation, plus pre-judgment interest in the amount of \$3,922.34, and post-judgment interest in the amount of \$111.87)** due certain employees listed on Exhibit A of this Judgment. Payment of the aforesaid sum shall be made on or before **November 15, 2014** in accordance with the dates shown in Exhibit B attached hereto. Payment shall be made in cashier or certified check made payable to:

"Wage and Hour Division - Labor" with "Case No. 1708100 " written on the face of the check.

The check shall be sent to:

**U.S. Department of Labor/Wage & Hour Division
The Curtis Center, Suite 850, West
170 S. Independence Mall West
Philadelphia, PA 19106-3317**

III. On or before the date indicated on Exhibit B, defendants shall send a copy of the check to:

**U.S. Department of Labor/Wage & Hour Division
1400 Old Country Road, Suite 410
Westbury, New York 11590-5119
Attn: Richard Mormile, Assistant Director**

IV. The plaintiff shall deliver the proceeds of each check less any legal deductions to the employees named on Exhibit A. Any sums not distributed to the employees or to their personal representatives or estates within a period of three years, because of inability to locate the proper

persons or because of such persons' refusal to accept such sums, shall be deposited in the Treasury of the United States as miscellaneous receipts pursuant to 29 U.S.C. § 216(c). A Consolidated Payment Schedule for Back Wages and Civil Money Penalties are found in Exhibit B.

V. ORDERED, ADJUDGED AND DECREED that Defendants shall provide to plaintiff the social security numbers and last known addresses of the defendants' employees and former employees to be paid under this Contempt Consent Judgment; it is further

VI. ORDERED, ADJUDGED AND DECREED that Defendants shall pay civil money penalties in the amount of \$70,246.00 (\$68,200.00 in civil money penalties, plus \$2,046.00 in interest) for willful overtime violations **no later than January 15, 2017**. Payments shall be made by separate cashier or certified check[s] made payable to **"Wage and Hour Division - Labor"** with **"Civil Money Penalty – FLSA Case No. 1708100."** Payment of this amount will be made in monthly installments in accordance with the amounts and due dates set forth in Exhibit B.

The certified check[s] shall be sent to:

**U.S. Department of Labor/Wage Hour Division
The Curtis Center, Suite 850 West
170 S. Independence Mall West
Philadelphia, PA 19106-3317**

On or before **January 15, 2017**, Defendants shall send copies of the checks to Richard Mormile, Assistant Director as set forth in paragraph III above.

VII. If the defendants fail to make an installment payment on Exhibit B without making up the arrearage within two weeks after written notice to defendants, the entire balance shall become due and payable immediately..

VIII. Defendants shall place FLSA posters where employees may view them. These posters will be provided by the Wage and Hour Division as available.

IX. Defendants shall orally inform all their employees in English and in any other language spoken by the employees of the their rights under the Fair Labor Standards Act, and the terms of this Judgment, including the payment of minimum wages and overtime and the rights of employees to engage in activity protected by the Act without fear of retaliation. The defendants shall so inform their employees within thirty (30) days of the entry of Judgment on a workday; and it is further

X. ORDERED, ADJUDGED, AND DECREED that defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, their officers, agents, servants, employees, and all persons acting or claiming to act in their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. Section 201 et seq.), hereinafter called the Act, in any of the following manners:

(1) Defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, shall not, contrary to Section 7 of the Act, employ any of their employees in any workweek who are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than the hours now, or which in the future become, applicable under Sections 7 and 15(a)(2) of the Act, unless the said employees receive compensation for their employment in excess of the prescribed hours at rates not less than one and one-half times the employees' regular rates.

(2) Defendants WSTB CORP. d.b.a KASHI SUSHI LOUNGE, and XIANG LIN aka SKY LIN, individually and as President, shall not fail to make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Par 516.

XI. Neither the commencement of this action nor the provisions of this Consent Judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of defendant not listed in Exhibit A of this Judgment, be they current or former employees, to file any action against defendant under section 16(b) of the Act or likewise for any current or former employee listed on Exhibit A of this Judgment to file any action against defendant under section 16(b) of the Act for any violations alleged to have occurred after **September 01, 2013**.

XII. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED:

DATED: 4/10/14
Central Islip, NY

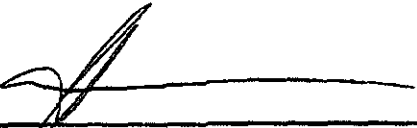
s/ Sandra J. Feuerstein

UNITED STATES DISTRICT JUDGE


Defendants have appeared by counsel and
consent to the entry of this
Contempt Consent Judgment.

WSTB CORP.
d.b.a KASHI SUSHI LOUNGE

BY:



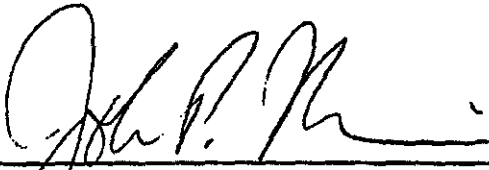
XIANG LIN aka SKY LIN, individually and as President



Douglas Rowe, Esq.
Certilman Balin Adler & Hyman, LLP
90 Merrick Ave, 9th Floor
East Meadow, New York 11554
Attorneys for Defendants

STATE OF NEW YORK)
 :SS:
COUNTY OF NASSAU)

On the 30 day of December 2013 before me personally appeared XIANG LIN aka SKY LIN to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.



NOTARY PUBLIC

John P. Ruggiero
Notary Public State of New York
No. 02RU614892
Qualified in Suffolk County
Commission Expires March 27, 2016

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EXHIBIT A

WSTB CORP.
d.b.a. KASHI SUSHI LOUNGE
CASE ID 1708100

<u>First Name</u>	<u>Last Name</u>	<u>Back Wages Due</u>	<u>Pre-Judgment Interest Due</u>	<u>Post-judgment Due</u>	<u>Totals</u>
HAO	CAO	\$120.00	\$10.04	\$0.00	\$130.04
KO FUNG	CHAN	\$686.07	\$57.39	\$0.00	\$743.46
AN QIAO	CHEN	\$73.51	\$6.15	\$0.00	\$79.66
BAO LI	CHEN	\$851.11	\$71.20	\$0.00	\$922.31
CHU CHU	CHEN	\$53.39	\$4.47	\$0.00	\$57.86
CHUN HUO	CHEN	\$835.85	\$69.92	\$0.00	\$905.77
CHUN YAN	CHEN	\$190.69	\$15.95	\$0.00	\$206.64
EN	CHEN	\$245.03	\$20.50	\$0.00	\$265.53
GUO FENG	CHEN	\$1,179.09	\$98.64	\$0.00	\$1,277.73
HUANG	CHEN	\$1,680.00	\$140.54	\$0.00	\$1,820.54
MEI XING	CHEN	\$98.01	\$8.20	\$0.00	\$106.21
WEN QI	CHEN	\$1,680.00	\$140.54	\$0.00	\$1,820.54
WEN QIN	CHEN	\$228.83	\$19.14	\$0.00	\$247.97
XI JUAN	CHEN	\$600.00	\$50.19	\$0.00	\$650.19
XIAO HONG	CHEN	\$167.81	\$14.04	\$0.00	\$181.85
YAN LIANG	CHEN	\$60.00	\$5.02	\$0.00	\$65.02
YE LEI	CHEN	\$147.02	\$12.30	\$0.00	\$159.32
ZI YING	CHEN	\$196.02	\$16.40	\$0.00	\$212.42
QIANG	DONG	\$196.02	\$16.40	\$0.00	\$212.42
CHENG HAO	GAO	\$416.54	\$34.85	\$0.00	\$451.39
TIAN ZHU	GAO	\$144.92	\$12.12	\$0.00	\$157.04
RUI JIN	HE	\$144.92	\$12.12	\$0.00	\$157.04
SCOTT	HE	\$392.04	\$32.80	\$0.00	\$424.84
YOU HUA	HUANG	\$129.67	\$10.85	\$0.00	\$140.52
DA DONG	JIANG	\$392.04	\$32.80	\$0.00	\$424.84
FE	JIANG	\$780.00	\$65.25	\$0.00	\$845.25
JIA WEN	JIANG	\$106.79	\$8.93	\$0.00	\$115.72
LING PENG	JIANG	\$900.00	\$75.29	\$0.00	\$975.29
SHAO JUN	JIANG	\$5,160.00	\$431.66	\$0.00	\$5,591.66

EXHIBIT A

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WSTB CORP.
d.b.a. KASHI SUSHI LOUNGE
CASE ID 1708100

<u>First Name</u>	<u>Last Name</u>	<u>Back Wages Due</u>	<u>Pre-Judgment Interest Due</u>	<u>Back Wages Interest Due</u>	<u>Totals</u>
HUI	JING	\$183.06	\$15.31	\$0.00	\$198.37
WEN XIANG	KE	\$1,980.00	\$165.64	\$0.00	\$2,145.64
JIAN	LI	\$325.69	\$27.25	\$0.00	\$352.94
MEI	LI	\$160.18	\$13.40	\$0.00	\$173.58
PING	LI	\$129.67	\$10.85	\$0.00	\$140.52
XIAO YING	LI	\$120.00	\$10.04	\$0.00	\$130.04
CUI	LIN	\$919.76	\$76.94	\$0.00	\$996.70
HUI YE	LIN	\$245.03	\$20.50	\$0.00	\$265.53
MAO QING	LIN	\$91.53	\$7.66	\$0.00	\$99.19
QIN	LIN	\$451.44	\$37.77	\$0.32	\$489.53
QUN FANG	LIN	\$1,093.57	\$91.48	\$0.91	\$1,185.96
RU	LIN	\$259.34	\$21.70	\$0.22	\$281.26
WEI	LIN	\$61.02	\$5.10	\$0.05	\$66.17
XIANG	LIN	\$3,840.00	\$321.24	\$6.21	\$4,167.45
XING	LIN	\$1,980.00	\$165.64	\$5.05	\$2,150.69
XU	LIN	\$186.30	\$15.58	\$0.62	\$202.50
YAN	LIN	\$53.39	\$4.47	\$0.18	\$58.04
YAN HUA	LIN	\$22.88	\$1.91	\$0.08	\$24.87
YI LIAN	LIN	\$493.02	\$41.24	\$1.64	\$535.90
YU	LIN	\$581.58	\$48.65	\$1.94	\$632.17
YUAN JING	LIN	\$269.53	\$22.55	\$0.00	\$292.08
ZHEN	LIN	\$660.00	\$55.21	\$2.20	\$717.41
DE JING	LIU	\$420.00	\$35.14	\$1.57	\$456.71
LING QING	NI	\$190.69	\$15.95	\$0.79	\$207.43
JING	REN	\$114.41	\$9.57	\$0.48	\$124.46
XIAO FENG	REN	\$30.51	\$2.55	\$0.13	\$33.19
XING YONG	REN	\$160.18	\$13.40	\$0.67	\$174.25
YUAN MIN	REN	\$122.04	\$10.21	\$0.51	\$132.76
CHENG ZHI	SHI	\$612.09	\$51.20	\$2.55	\$665.84
JIA ZENG	TANG	\$1,320.00	\$110.42	\$5.70	\$1,436.12

EXHIBIT A

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WSTB CORP.
d.b.a. KASHI SUSHI LOUNGE
CASE ID 1708100

<u>First Name</u>	<u>Last Name</u>	<u>Back Wages Due</u>	<u>Pre-Judgment Interest Due</u>	<u>Back Wages Interest Due</u>	<u>Totals</u>
MEI QIN	TANG	\$98.01	\$8.20	\$0.49	\$106.70
JIAN GUO	WANG	\$196.02	\$16.40	\$0.98	\$213.40
MIN	WANG	\$360.00	\$30.12	\$1.80	\$391.92
YAO WANG	WANG	\$1,680.00	\$140.54	\$8.46	\$1,829.00
CHEN WEI	WENG	\$1,130.09	\$94.54	\$6.59	\$1,231.22
MAN SZE	WONG	\$64.26	\$5.38	\$0.37	\$70.01
CHUN WANG	WU	\$30.51	\$2.55	\$0.18	\$33.24
JIAN JIN	YANG	\$832.61	\$69.65	\$4.86	\$907.12
KENNY	YANG	\$196.02	\$16.40	\$1.14	\$213.56
XIAO QING	YANG	\$367.54	\$30.75	\$2.44	\$400.73
SEAN DEMING	YE	\$98.01	\$8.20	\$0.65	\$106.86
MING QI	YOU	\$779.22	\$65.19	\$5.19	\$849.60
MEI JING	ZHANG	\$60.00	\$5.02	\$0.40	\$65.42
YA YUN	ZHANG	\$480.00	\$40.15	\$3.20	\$523.35
YAN QING	ZHANG	\$38.14	\$3.19	\$0.25	\$41.58
JIAN WEN	ZHENG	\$196.02	\$16.40	\$1.31	\$213.73
JIN FENG	ZHENG	\$612.56	\$51.24	\$4.19	\$667.99
SHENG XI	ZHENG	\$1,260.00	\$105.41	\$9.45	\$1,374.86
YI WU	ZHENG	\$960.00	\$80.31	\$7.20	\$1,047.51
ZENG BIAO	ZHENG	\$480.00	\$40.15	\$3.94	\$524.09
YI	ZHUANG	\$960.00	\$80.31	\$8.00	\$1,048.31
LING YAN	ZHUO	\$53.39	\$4.47	\$0.44	\$58.30
WEN XIU	ZHUO	\$900.00	\$75.29	\$7.50	\$982.79
YAN	ZHUO	\$122.04	\$10.21	\$1.02	\$133.27
Totals	-	\$46,886.72	\$3,922.34	\$111.87	\$50,920.93

EXHIBIT A

EXHIBIT B

WSTB CORP.
d.b.a. KASHI SUSHI LOUNGE
CASE ID 1708100

Payment Schedule

Payment No.	Date Due	Total Amount Due
*Down Payment	01/15/2014	\$24,210.99
1*	02/15/2014	\$2,664.51
2*	03/15/2014	\$2,662.42
3*	04/15/2014	\$2,665.16
4*	05/15/2014	\$2,667.97
5*	06/15/2014	\$2,670.61
6*	07/15/2014	\$2,671.68
7*	08/15/2014	\$2,675.15
8*	09/15/2014	\$2,675.19
9*	10/15/2014	\$2,680.17
10*	11/15/2014	\$2,677.08
Back Wages Payments Total	-	\$50,920.93
11**	12/15/2014	\$2,701.77
12**	01/15/2015	\$2,701.77
13**	02/15/2015	\$2,701.77
14**	03/15/2015	\$2,701.77
15**	04/15/2015	\$2,701.77
16**	05/15/2015	\$2,701.77
17**	06/15/2015	\$2,701.77
18**	07/15/2015	\$2,701.77
19**	08/15/2015	\$2,701.77
20**	09/15/2015	\$2,701.77
21**	10/15/2015	\$2,701.77
22**	11/15/2015	\$2,701.77
23**	12/15/2015	\$2,701.77
24**	01/15/2016	\$2,701.77
25**	02/15/2016	\$2,701.77
26**	03/15/2016	\$2,701.77
27**	04/15/2016	\$2,701.77
28**	05/15/2016	\$2,701.77
29**	06/15/2016	\$2,701.77
30**	07/15/2016	\$2,701.77
31**	08/15/2016	\$2,701.77
32**	09/15/2016	\$2,701.77
33**	10/15/2016	\$2,701.77
34**	11/15/2016	\$2,701.77
35**	12/15/2016	\$2,701.77
36**	01/15/2017	\$2,701.75
Civil Money Penalty Payments Total	-	\$70,246.00
Grand Total	-	\$121,166.93
*Back Wages Payments		
*Civil Money Penalty Payments		

EXHIBIT B